

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 8108 of 1996

Between:

- 1 Kosana Hanumaiah, S/o. Yelamanda,
R/o. Somavarappadu Village, Tallur Mandal,
Prakasam District.
- 2 Mootumarri Satyanarayana, S/o. Yellamanda,
R/o. Somavarappadu Village, Talluru Mandal,
Prakasam District.
- 3 Motumarri Subba Rao, S/o. Ramaiah,
R/o. Somavarappadu Village, Tallur Mandal,
Prakasam District.
- 4 Mamidi Venkatasubbaiah, S/o. Gurunadham,
R/o. Somavarappadu Village, Tallur Mandal,
Prakasam District.
- 5 Chandolu Pulla Rao, S/o. Venkata Subbaiah,
R/o. Somavarappadu Village, Tallur Mandal,
Prakasam District.

..... PETITIONERS

AND

- 1 The District Collector,
Ongole, Prakasam District.
- 2 The Revenue Division Officer,
Kandukuru, Prakasam District.
- 3 The Mandal Revenue Officer,
Talluru, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, declaring the action of the respondents in proposing to acquire the lands of Sri Veeranjaneyaswamy and Ramavari Devasthanam, extent being Ac.20.90 cents in S.No. 222/2 patta No. 527 and Ac.1.12 cents in S.No. 54/3, situated at somavarappadu Village, Talluru Mandal, Prakasam District, without initiating the proceedings under the Landa Acquisition Act and without paying the compensation to the petitioners as arbitrary, illegal, unjust and contrary to the Article 300A of the Constitution of India.

Counsel for the Petitioners: MR.M.RAVINDRANATH REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.8108 OF 1996

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the action of the respondents in proposing to acquire the lands of Sri Veeranjaneyswamy and Ramavari Devasthanam Temples of which the petitioners are trustees, admeasuring Ac.20.90 cents in Survey No.222/2, Patta No.527 and Ac.1.12 cents in S.No.54/3 situated at Somavarapadu village, Talluru Mandal of Prakasam district without initiating the proceedings under the Land Acquisition Act, as illegal and arbitrary.

It is the case of the petitioners that the above said lands are owned and possessed by the above mentioned temples and on the application filed by some third parties, steps have been taken to acquire the lands without due process of law and in deprivation of their rights guaranteed under Article 300-A of the Constitution of India.

In the counter affidavit filed on behalf of the respondents it is clearly stated that the proceedings are only at the preliminary stage, i.e., at the stage of selecting the beneficiaries and verifying the suitability of the land required for house sites. Respondents have also denied the apprehension of the petitioners that they are going to take possession of the lands without paying the compensation.

In that view of the matter, I dispose of the writ petition directing the respondents not to dispossess or deprive the rights of the petitioners over the lands in question otherwise than in due process of law.

The writ petition is accordingly disposed of. No costs.

15.12.2004.

mdaa.

Copy to:

- 1 The District Collector,
Ongole, Prakasam District.
- 2 The Revenue Division Officer,
Kandukuru, Prakasam District.
- 3 The Mandal Revenue Officer,
Talluru, Prakasam District.
4. Two C.Cs to G.P.for Land Acquisition, High Court of A.P.,Hyderabad.
5. Two C.D.copies.